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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,308	07/26/2001	Mitsuhiro Shimazu	VX012328	4960
21369	7590	08/10/2005	EXAMINER	
VARNDELL & VARNDELL, PLLC 106-A S. COLUMBUS ST. ALEXANDRIA, VA 22314			AMINI, JAVID A	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,308

Applicant(s)

SHIMAZU ET AL.

Examiner

Javid A. Amini

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Response to Arguments

Applicant's arguments with respect to claims 6-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 6-12 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 6, line 10 claims "increasing or decreasing" not properly described in the application. Applicant should specify a range of predetermined threshold value.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (6,618,045), and further in view of Blanchard (4,847,603).

1. Claim 6.

A display device disposed in a cabin of a construction machine, which comprises:

Art Unit: 2672

Helms in col. 2, lines 7-47 teaches that the patent relates generally to liquid crystal displays (LCDs), therefore it can be disposed in a cabin of a construction machine. Knowing that the Applicant on page 11, last line discloses that the embodiment of this invention imagines the liquid crystal display.

The next step of claim 6 claims, "A display screen with a background portion and a display portion, the display portion displaying a current status of the construction machine, the display device displaying at least one color in the background portion thereof and at least one image in the display portion thereof, said at least one color displayed in said background portion and said at least one image displayed in said display portion respectively having a brightness, saturation and hue". The amended claim's language applies to any type of LCDs' display displaying data information, because in order to be able distinguishing between data information on the display area, the display must contain different background color than the foreground color. As

Examiner recommended Applicant to amend the independent claims in such away to differentiate the background with the foreground images from previous interview dated April 12, 2005. By differentiating the background portion with the display portion, Examiner would like to know if the combination of the display portion and the background portion are considered as one image or they are considered as two different images, e.g., image1 and image 2. From the following step of the claim 6, i.e., "change means for increasing or decreasing at least one of the respective brightness, saturation and hue of said at least one color displayed in said background portion relative to the respective brightness, saturation and hue of said at least one image displayed in said display portion", considers the combination of the background and display portions as just one image that only changes the background color in respect to the

Art Unit: 2672

display portion, however Applicant in the specification at page 8, line 11 specifies the brightness of the display colors of any (e.g., the background portion of the background portion or the display portions. Helms in col. 2, lines 13-18 discloses a photodetector located proximate the front of the LCD generates to brightness control circuitry signals indicative of ambient lighting conditions. These signals are correlated to automatic brightness control values for use in controlling the output of a backlight driver circuit that determines the brightness level of the LCD. Applicant on page 8 of the specification, at first paragraph discloses an illuminance detected by illuminance detecting. Helms discloses that the brightness control system changes automatically the background portion and the display portion, however, Gonsalves in col. 5, lines 1-10 discloses using of LCD display. In fig. 5 illustrates two different images (image1 and image2). The image1 can be any type of image data (e.g., bar graphs), because it can be a dynamic and/or static data and the data source is different from image2's data source. The image2 shown in fig. 1 number 28 can be a solid color or picture data or etc. The motivation combining the two references is as follows: it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Helms's invention in fig. 2 introduces photodetector (i.e., component used to detect or sense light) number 14 that can be connected to image2 (e.g. background portion) fig. 5 of Gonsalves in order to substitute applicant's described structure as background portion and display portion.

2. Claims 7 and 8.

The step of this claim is obvious because the claim language claims the display device (e.g., LCD or a Laptop as Helms illustrates in fig. 1) is appropriated for a cabin of construction machine or any other suitable cabin. See rejection of claim 6 for the rest of the steps in claim 7.

Art Unit: 2672

3. Claim 9.

Helms in fig. 2 number 14 the photodetector works as a switch for turning an illumination on and off. The photodetector of Helms can be connected to image1 or image2 of Gonsalvess' fig.

5.

4. Claims 10-12.

See rejection of pervious claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2672

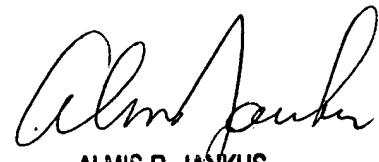
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini
Examiner
Art Unit 2672

Javid Amini



ALMIS R. JANKUS
PRIMARY EXAMINER